

Appn. Number 10/707,158 [Seaman] Amendment A

Page 2 of 26

A review of the rejections made by the examiner***Claim Rejections - 35 USC § 112***

2. Claims 1-18 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Deal (5,156,394).

Regarding claim 1, as best the claims are understood, Deal discloses a basketball-training device comprising a bearing (the broadest reasonable interpretation of bearing would include rim 14 for supporting annular member 10) with one side capable of being rotated with respect to the other side; one side of which is attached to an item selected from the group a plurality of hooks (mounting means 26), the other side of which is attached to an item selected from the following group: a facsimile goal (hoop 12); whereby balls can be returned to any area of the court.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 3 of 26

A review of the references cited by the examiner

Deal 5,156,394

"The invention is a visual guide for improving the accuracy of shooting a basketball into a basketball hoop which consists of an annular member which extends below the rim of the basketball hoop."

Claims: Revised claims are stated below**Revised Claims – clean text**

1. A basketball training device comprising: a plurality of roller bearings sandwiched between an inner bearing and an outer bearing; said inner bearing is attached to a basketball goal; said outer bearing has attached to it an item selected from the following group: a facsimile goal, and a chute; whereby balls can be returned to any area of the court.
2. In accordance with claim 1 further that said basketball training device can be attached to and removed from a basketball goal by use shepherd's crook with a U shaped tip whereby a ladder is required for neither installation nor removal.
3. In accordance with claim 1 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook, whereby a ladder is not required for installation and removal of said chute.
4. In accordance with claim 1 further that there are a plurality of hooks made of a strong but springy material attached to the inner bearing by which the device can be attached to any basketball goal whereby it is difficult for said plurality of hooks to be removed from the basketball goal by a basketball hitting it while still allowing the said shepherd's crook to install or remove said hooks.
5. In accordance with claim 1 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.
6. In accordance with claim 1 further that said chute is foldable allowing said chute to be substantially smaller whereby said chute can be more easily transported and stored.

7. In accordance with claim 1 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group said bearing, said facsimile hoop, said plurality of hooks, and said chute whereby making shots is more difficult.

8. In accordance with claim 1 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

9. In accordance to claim 1 further that said plurality of roller bearings includes an item selected from the following group a plurality of ball bearings, and a plurality of cylinder bearings whereby smooth rotation between the two sides is facilitated.

10. In accordance with claim 1 further that the said inner bearing is attached to said basketball goal's support so that it does not interfere with the top surface of the top of said basketball goal whereby balls striking the said top of said basketball goal will behave as they normally do despite the fact that device is attached.

11. In combination a device comprising an item selected from the following group: a facsimile of a basketball goal, and a chute; whereby balls can be directed away from the basketball goal, which is connected to an outer bearing member; held between said outer bearing member and an inner bearing member there is a plurality of roller bearings whereby not only is the basketball channeled away from the basketball goal, but also the direction of the basketball return can be easily changed.

12. In accordance with claim 11 further that said device can be attached to and removed from a basketball goal by use of a plurality of hooks and a shepherd's crook, whereby a ladder is not required for installation or removal.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 6 of 26

13. In accordance with claim 12 further that said hooks are made of a strong but springy material such that it is difficult for said hooks to be removed from the basketball goal by a basketball hitting it whereby said hook will not inadvertently come loose from said basketball goal.

14. In accordance with claim 11 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.

15. In accordance with claim 11 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook whereby a ladder is not required to install or remove said chute.

16. In accordance with claim 11 further that said chute is foldable allowing the device to be substantially smaller when not in use then whereby said chute can be more easily transported and stored.

17. In accordance with claim 11 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group said bearing, said facsimile hoop, said plurality of hooks, and said foldable chute whereby making shots is more difficult.

18. In accordance with claim 11 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

A summary of how the claims where changed, quoting the changes**Edits shown**

Revised claims with removed text ~~crossed-out~~ and inserted items *italicized*, and underscored text.

1. A basketball training device comprising: ~~a bearing~~; a plurality of roller bearings sandwiched between an inner bearing ~~with one side capable of being rotated with respect to the other one side of which is attached to an item selected from the following group: a plurality of hooks, and a goal support~~ the other side of which is and an outer bearing; said inner bearing is attached to a basketball goal; said outer bearing has attached to it an item selected from the following group: a facsimile goal, and a chute; whereby balls can be returned to any area of the court.
2. In accordance with claim 1 further that said basketball training device can be attached to and removed from a basketball goal by use of ~~said hooks and a shepherd's crook~~ with a U shaped tip whereby a ladder is required for neither installation nor removal.
3. In accordance with claim 1 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook, whereby a ladder is not required for installation and removal of said chute.
4. In accordance with claim 1 further that said there are a plurality of hooks are made of a strong but springy material attached to the inner bearing by which the device can be attached to any basketball goal whereby it is difficult for said plurality of hooks to be removed from the basketball goal by a basketball hitting it while still allowing the said shepherd's crook to install or remove said hooks.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 8 of 26

5. In accordance with claim 1 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.

6. In accordance with claim 1 further that said chute is foldable allowing said chute to be substantially smaller whereby said chute can be more easily transported and stored.

7. In accordance with claim 1 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group said bearing, said facsimile hoop, said plurality of hooks, and said chute whereby making shots is more difficult.

8. In accordance with claim 1 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

9. In accordance to claim 1 further that said plurality of roller bearings includes an item selected from the following group a plurality of ball bearings, and a plurality of cylinder bearings whereby smooth rotation between the two sides is facilitated.

10. In accordance with claim 1 further that the ~~said inner bearing means by which the bearing is attached to said basketball goal's support so that it~~ does not interfere with the top surface of the top of said *basketball* goal whereby balls striking the ~~said top of said basketball goal is surface~~ will behave as they normally do despite the fact that device is attached.

11. In combination a device comprising an item selected from the following group: a facsimile of a basketball goal, and a chute; whereby balls can be directed away from the basketball court goal, which is connected to ~~one side of a rotatable~~ an outer bearing member consisting of ~~at least two parts rotatable with~~

~~respect to each other; held between said outer bearing member and an inner bearing member there is a plurality of roller bearings whereby not only is the basketball channeled away from the basketball goal, but also the direction of the basketball return can be easily changed, the other side of which is connected to a means to attach to a basketball goal selected from the following group a plurality of hooks and the basketball goal's support whereby the device can be connected to a basketball goal either temporarily or permanently~~

12. In accordance with claim 11 further that said device can be attached to and removed from a basketball goal by use of said a plurality of hooks and a shepherd's crook, whereby a ladder is not required for installation or removal.

13. In accordance with claim 12 further that said hooks are made of a strong but springy material such that it is difficult for said hooks to be removed from the basketball goal by a basketball hitting it whereby said hook will not inadvertently come loose from said basketball goal.

14. In accordance with claim 11 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.

15. In accordance with claim 11 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook whereby a ladder is not required to install or remove said chute.

16. In accordance with claim 11 further that said chute is foldable allowing the device to be substantially smaller when not in use then whereby said chute can be more easily transported and stored.

17. In accordance with claim 11 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group

Appn. Number 10/707,158 [Seaman] Amendment A

Page 10 of 26

said bearing, said facsimile hoop, said plurality of hooks, and said foldable chute whereby making shots is more difficult.

18. In accordance with claim 11 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

B. A statement of claimed distinctions under Section 102 and 103.

Claim

1. A basketball training device comprising: a plurality of roller bearings sandwiched between an inner bearing and an outer bearing; said inner bearing is attached to a basketball goal; said outer bearing has attached to it an item selected from the following group: a facsimile goal, and a chute; whereby balls can be returned to any area of the court.

Examiner's Rejection

4. Claims 1-8, 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Deal (5,156,394).

Regarding claim 1, as best the claims are understood, Deal discloses a basketball-training device comprising a bearing (the broadest reasonable interpretation of bearing would include rim 14 for supporting annular member 10) with one side capable of being rotated with respect to the other side; one side of which is attached to an item selected from the group a plurality of hooks (mounting means 26), the other side of which is attached to an item selected from the following group: a facsimile goal (hoop 12); whereby balls can be returned to any area of the court.

Why Claim 1 is unique & Rebuttal to the rejection of claim 1:

Claim 1, now rewritten, recites roller bearings sandwiched between an inner bearing and an outer bearing as well as a chute. This language distinguishes over Deal under Section 102 because Deal does not show or discuss either these means or the functions they enable as discussed further below. These distinctions are submitted to be of patentable

merit under Section 103 because the roller bearings sandwiched between and inner bearing and an outer bearing [means] enable the outer bearing to freely rotate with respect to the inner bearing [function]. The chute [means] can direct the ball away from the basketball goal [function]. The facsimile goal allows other chute devices to be attached so that the ball can be directed away from the basketball goal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

Deal: No mention of rotation

The annular member [10 in Deal] described does not mention any ability to rotate with respect to the goal [12 in Deal] nor the means to do so. Several of Deal's embodiments specifically limit any incidental and unanticipated rotation capabilities there may be.

Deal: No mention of a facsimile goal

The annular member [10 in Deal] described does not mention any means by which other basketball chute devices can be attached

Deal: Lip 60 runs into Support Bar 68 and limits rotation if there were any

Further if the annular member [10 in Deal] were capable of the ability to rotate the lip [60 in Deal] that wrapped over the top of the rim [14 in Deal] it would run into the 'support bar' [68 in Deal shown in Figure 16] that connects the backboard [20 in Deal] to the rim [14 in Deal].

Deal: Indentation 70 size issues – not all areas of the court

While discussing the indentations [70 in Deal] in the lip [60 in Deal] at the 'appropriate point' to accommodate the 'support bar' [68] the patent states in column 5 line 1 "Obviously, there are many variations which may occur to lip 60 in order to accommodate any of a number of means of supporting the basketball hoop." However, Deal does not mention the consequences of the indentation 70 getting larger. As shown in Deal's figure 15 and figure 18 the ball could not be returned to any area of the court

Appn. Number 10/707,158 [Seaman] Amendment A

Page 12 of 26

since the indentation [70 in Deal] is too small. This assumes that the annual member [10 in Deal] had the shape necessary to direct the ball away from the goal [12 in Deal]. This shortcoming in Deal is discussed below.

Deal: Indentation 70 size issues – attachment, strength and durability

As the indentation [70 in Deal] grows larger to allow the annual member to be rotated with respect to the goal [12 in Deal], the annular member [10 in Deal] would become less securely attached to the goal [12 in Deal].

Also as the indentation [70 in Deal] grows larger the annual member would become weaker and consequently more likely to come loose from the goal [12 in Deal], deform or break when hit by a basketball. None of these issues and the trade offs between them are discussed in Deal.

Therefore it is respectfully submitted that it is not clear the Deal anticipated either the means or the functionality provided by the disclosed invention and in particular this first claim.

Claim

2. In accordance with claim 1 further that said basketball training device can be attached to and removed from a basketball goal by use shepherd's crook with a U shaped tip whereby a ladder is required for neither installation nor removal.